United Nations A/HRC/36/G/2

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Human Rights Council
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Agenda item 6
Universal periodic review

Letter dated 5 May 2017 from the Permanent Representative of Argentina to the United Nations Office and other international organizations in Geneva addressed to the President of the Human Rights Council

I have the honour to refer to the national report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 by the United Kingdom of Great Britain and Northern Ireland in connection with the universal periodic review (A/HRC/WG.6/27/GBR/1) and published on the website of the Office of the United Nations High Commissioner for Human Rights (www.ohchr.org), which seeks to attribute the status of "British overseas territories" to the Malvinas, presenting them as separate from Argentina and referring to them by their British name only.

The Argentine Government recalls that the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime areas are an integral part of the national territory of Argentina, that they are being illegally occupied by the United Kingdom of Great Britain and Northern Ireland, and that they are therefore the object of a dispute over sovereignty between the two countries which is recognized as such by the United Nations and other international organizations.

This illegal occupation by the United Kingdom of Great Britain and Northern Ireland led the United Nations General Assembly to adopt resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, in which the General Assembly recognizes the existence of the dispute over sovereignty, which is referred to as the "question of the Malvinas", and urges the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to resume negotiations with a view to finding the means to resolve the dispute peacefully and definitively as soon as possible. The Special Committee on Decolonization of the United Nations has also repeatedly called for negotiations, most recently in a resolution adopted on 23 June 2016.

Given the above, the Government of Argentina rejects the attribution of the status of "British overseas territory" to this Argentine territory in the aforementioned document, and to other documents referred to therein.

The Argentine Republic also kindly requests you to take the necessary steps to ensure the correct application of editorial directive ST/CS/SER.A/42 of the United Nations Secretariat in all language versions of the aforementioned document, in order to reflect the existence of a dispute over sovereignty by including a footnote and the dual naming convention set forth in the directive.

GE.17-12827 (E) 030817 150817

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Lastly, the Argentine Government requests that this note verbale be distributed as an official document of the Human Rights Council.

(*Signed*) Marcelo **Cima**
Ambassador, Permanent Representative

United Nations A/HRC/36/G/3

General Assembly

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Agenda item 6
Universal periodic review

Letter dated 23 May 2017 from the Permanent Representative of Mauritius to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I have the honour to attach herewith the comments of the Government of the Republic of Mauritius in relation to the response of the United Kingdom of Great Britain and Northern Ireland to the statement made by the Republic of Mauritius at the universal periodic review of the United Kingdom of Great Britain and Northern Ireland, held on 4 May 2017 (see annex).

I would be grateful if the present letter and the annex thereto* could be circulated as a document of the thirty-sixth session of the Human Rights Council.

(*Signed*) Israhyananda **Dhalladoo**

Ambassador, Permanent Representative

* Reproduced as received, in the language of submission only.

GE.17-12208(E)
1712208

Please recycle

Annex to the letter dated 23 May 2017 from the Permanent Representative of Mauritius to the United Nations Office at Geneva addressed to the President of the Human Rights Council

Comments of the Government of the Republic of Mauritius in relation to the United Kingdom's response to the statement made by the Republic of Mauritius at the universal periodic review of the United Kingdom on 4 May 2017

The Government of the Republic of Mauritius reiterates that the Chagos Archipelago, including Diego Garcia, has always formed and continues to form an integral part of the territory of the Republic of Mauritius. The Chagos Archipelago was illegally excised from the territory of Mauritius prior to its accession to independence, in violation of international law and United Nations General Assembly Resolutions 1514 (XV) of 14 December 1960, 2066 (XX) of 16 December 1965, 2232 (XXI) of 20 December 1966 and 2357 (XXII) of 19 December 1967. In the wake of this excision, the Mauritians living in the Chagos Archipelago were forcibly removed and sent to the main Island of Mauritius and Seychelles in inhumane conditions.

The Government of the Republic of Mauritius reaffirms that it does not recognise the so-called "British Indian Ocean Territory" (or the so-called "British Island Ocean Territory" in so far as this term purports to refer to the Chagos Archipelago) and rejects the purported sovereignty claim of the United Kingdom over the Chagos Archipelago.

In fact, two of the five members of the Arbitral Tribunal in the case brought by the Republic of Mauritius against the United Kingdom under the United Nations Convention on the Law of the Sea concluded that the United Kingdom does not have sovereignty over the Chagos Archipelago. The three other members expressed no view as to which of the two States has sovereignty over the Chagos Archipelago.

The continued unlawful occupation of the Chagos Archipelago by the United Kingdom represents an obstacle to the completion of the decolonisation of Mauritius and to the resettlement of Mauritians, particularly those of Chagossian origin.

While the United Kingdom has repeatedly given a legally binding undertaking that the Chagos Archipelago will be returned to the Republic of Mauritius when no longer required for defence purposes, it has failed to provide clarity on the date of such return. Moreover, the criteria for determining whether the Chagos Archipelago is still required for defence purposes keep changing. The Government of the Republic of Mauritius also wishes to point out that the Chagos Archipelago, in particular the island of Diego Garcia, was made available by the United Kingdom to the United States of America initially to set up a limited naval communications facility and over time it has been developed into a naval support facility and subsequently into a full-fledged military base. Diego Garcia was used as a transit point after September 2001 for rendition of persons to countries where they risked being subjected to torture or ill-treatment.

The UK Government has been systematically denying Mauritians of Chagossian origin their right to return to the Chagos Archipelago by invoking, inter alia, security reasons despite the fact that nationals from third countries are employed and are living in Diego Garcia. In 2010, the United Kingdom took a unilateral decision to declare a 'marine protected area' ('MPA') around the Chagos Archipelago with the clear intention of preventing resettlement in the Archipelago. The 'MPA' has been held to be in breach of international law in the case brought by the Republic of Mauritius against the United

Kingdom under the UN Convention on the Law of the Sea; the United Kingdom has so far not respected this ruling. In November last year, the United Kingdom further announced its decision against resettlement in the Chagos Archipelago and the funding over the next ten years of a purported £40 million package which is said to be intended to support improvements to the livelihoods of members of the Chagossian community living outside the Chagos Archipelago. The UK's continued denial of the right of Mauritians, particularly those of Chagossian origin, to settle in the Chagos Archipelago constitutes a blatant violation of human rights.

The United Nations General Assembly has included on the agenda of its current session item 87 entitled "Request for an advisory opinion of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965". Item 87 was included by consensus on the General Assembly agenda following an understanding reached in New York last September between the Republic of Mauritius and the United Kingdom with the President of the General Assembly to defer, at the request of the United Kingdom, the consideration of the item until June 2017 in order to allow the United Kingdom to engage with Mauritius to reach an agreement on the completion of the decolonisation of the Republic of Mauritius and the exercise of full sovereignty by the Republic of Mauritius over the Chagos Archipelago.

The dismemberment of the territory of Mauritius by the United Kingdom prior to independence is a matter of direct interest to the entire United Nations General Assembly which has historically played a central role in addressing decolonisation. An Advisory Opinion of the International Court of Justice would assist the General Assembly in fulfilling its continuing responsibility in respect of decolonisation. The Government of the Republic of Mauritius therefore considers that recourse by the UN General Assembly to the ICJ is fully justified.

The Republic of Mauritius has engaged in good faith in talks with the United Kingdom, following the above-mentioned understanding reached last September. The Government of the Republic of Mauritius is deeply disappointed that no progress has been achieved although three rounds of talks have been held.

The proposal made by the United Kingdom on "joint management of the outer islands" of the Chagos Archipelago is in fact academic and merely concerns joint stewardship in respect of environmental protection, conservation and promotion of marine and land biodiversity; development of sustainable management of fishery stocks in the waters of the Chagos Archipelago; and observation of natural phenomena in the region and such stewardship in the United Kingdom's proposal does not include the island of Diego Garcia and its maritime zones.

As for the United Kingdom's proposal on bilateral defence engagement, it relates to training and defence cooperation, covering areas including maritime and aviation security, port security, and governance.

The Republic of Mauritius has made it clear to the United Kingdom that these proposals are not acceptable as they do not address the very objective of the talks, namely the completion of the decolonisation process of the Republic of Mauritius and the exercise of full sovereignty by the Republic of Mauritius over the Chagos Archipelago. The Republic of Mauritius has also indicated to the United Kingdom that such proposals can only be considered within an agreed time bound framework for the return of the Chagos Archipelago to the effective sovereign control of the Republic of Mauritius.

However, the United Kingdom continues to maintain its position that it cannot give any date for such return and has thus stalled the talks.

The Republic of Mauritius has, in addition, concretely addressed the defence needs invoked by the United Kingdom and reiterated that it has no objection to the continued use of Diego Garcia for defence purposes in the context of an agreed time bound framework for the return of the Chagos Archipelago to the effective sovereign control of the Republic of Mauritius. Following the stand taken by the United Kingdom during the last round of talks that the military base in Diego Garcia is a joint US-UK base, the Republic of Mauritius has stated that it would be willing, within the framework of the completion of the decolonisation process of the Republic of Mauritius, to guarantee to the United Kingdom and the United States in a binding agreement their continued use of Diego Garcia for defence purposes.

The Government of the Republic of Mauritius considers that in view of the guarantees offered by Mauritius, there is no justification for the United Kingdom to continue its unlawful occupation of the Chagos Archipelago.

The Government of the Republic of Mauritius further considers that in order for the United Kingdom to be in full compliance with its human rights obligations, it will need to take appropriate measures to complete the decolonisation of Mauritius and ensure respect for the right of return of Mauritian citizens, particularly those of Chagossian origin, to the Chagos Archipelago, including Diego Garcia.

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Universal periodic review

Letter dated 21 June 2017 from the Permanent Representative the United Kingdom of Great Britain and Northern Ireland to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I have the honour to attach herewith the response of the Government of the United Kingdom of Great Britain and Northern Ireland to the comments of the Government of the Republic of Mauritius in relation to the response of the United Kingdom to the statement made by the Republic of Mauritius at the universal periodic review on 4 May 2017 (see annex).

I would be grateful if the present letter and the annex thereto* could be circulated as a document of the thirty-sixth session of the Human Rights Council.

(*Signed*) Julian **Braithwaite**

Ambassador, Permanent Representative

* Reproduced as received, in the language of submission only.

GE.17-12209(E)
1712209

Please recycle

Annex to the letter dated 21 June 2017 from the Permanent Representative the United Kingdom of Great Britain and Northern Ireland to the United Nations Office at Geneva addressed to the President of the Human Rights Council

Response of the Government of the United Kingdom of Great Britain and Northern Ireland to the comments of the Government of the Republic of Mauritius in relation to the United Kingdom's response to the statement made by the Republic of Mauritius at the universal periodic review on 4 May 2017

The UK is clear about its sovereignty over the British Indian Ocean Territory (BIOT). The UK committed in 1965 to ceding the Chagos Archipelago to Mauritius when it is no longer required for defence purposes. This was an ancillary part of the agreements that finalised the independence and – by extension – the decolonisation of Mauritius. This was accepted by the Government of Mauritius for many years and the Chagos Archipelago/BIOT has not been considered by the UN General Assembly since the early 1970s, over 40 years ago. It is very clear, therefore, that this is a bilateral dispute.

The UK stands by its commitment regarding cession of BIOT when it is no longer needed for defence purposes. However, at present, BIOT is still required for defence purposes. It contributes significantly towards global security, and is central to efforts at countering regional threats – including those from terrorism and piracy – which directly support UN Security Council resolutions.

The UK has engaged in good faith in bilateral discussions. We have made concrete proposals on Mauritian involvement in the long-term environmental and scientific stewardship of BIOT and on defence cooperation. Across three bilateral meetings at official level, however, Mauritius refused to discuss substantively any UK offers unless the UK gave a date for transfer of sovereignty. For Mauritius to walk away so soon from bilateral talks and to seek to place in a multilateral context a clearly bilateral issue, which the UK has been working hard to resolve, is entirely inappropriate and should concern us all. UK efforts to bridge bilateral differences continue, and a meeting at Ministerial level was held in New York on 19 June but without a different result. We continue our efforts to resolve this bilaterally and urge all UN Member States to consider carefully the damage arising from this course of action for both individual States and the ICJ.

Mauritius has been lobbying on the basis of the United Nations Convention on the Law of the Sea (UNCLOS) Arbitral Tribunal award of 2015. Contrary to Mauritius's assertion, it is not correct to say the Tribunal considered that the Marine Protected Area (MPA) itself violates international law. Further, the MPA is internationally regarded for its environmental value. Until last year it was the largest contiguous MPA in the world and is highly valued by scientists as a global reference site for marine conservation in a heavily overfished ocean. It supports a raft of international policy aims including, directly, the UN's oceans agenda and Goal 14 of the Sustainable Development Goals – issues which are under serious discussion in New York this week at the Ocean Conference.

The UNCLOS Tribunal was very clear in its award: it found that the Tribunal lacked jurisdiction to consider Mauritius' claim that the UK was not the "coastal State" in respect of the Chagos Archipelago for the purposes of the Convention. It also found that it lacked jurisdiction to consider Mauritius's alternative claim that certain undertakings by the UK had endowed Mauritius with rights as a "coastal State" in respect of the Archipelago. The Tribunal held that the dispute between the parties concerned sovereignty over the Chagos

Archipelago, and that the Tribunal did not have jurisdiction to decide the matter. It also held that the UK did not have any improper motive in establishing the MPA. The Tribunal's Award in no way supports Mauritius's sovereignty claim, and Mauritius's attempts to rely on dissenting opinions of Tribunal members cannot change that fact.

However, the UK fully recognises and accepts the UNCLOS Tribunal's ruling that the UK ought to have consulted Mauritius more fully, given our historical commitments, including our commitment to cede the sovereignty of the Territory when it is no longer required for defence purposes, and Mauritius's acknowledged long-term interest in the stewardship of the Archipelago. The UK has engaged in a series of talks with Mauritius to implement the award, but Mauritius has unilaterally suspended discussions since their attention has moved to the ICJ.

Mauritius has requested a General Assembly plenary meeting to take action on a draft resolution requesting the International Court of Justice (ICJ) to give an advisory opinion regarding the Chagos Archipelago, which the United Kingdom administers as the British Indian Ocean Territory (BIOT). I am writing because this should concern every UN Member State, as it would set a dangerous precedent for international justice which will affect us all.

This meeting has been requested under the General Assembly's agenda item, "Request for an advisory opinion of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965". That item was included in the 71st session agenda in September, but General Assembly discussions were delayed to give both sides the opportunity to engage meaningfully and constructively to reach a bilateral solution.

The ICJ was founded on the principle that contentious cases between two States can only be taken to the Court by those States, and that those States must have consented to the ICJ's jurisdiction. Neither the UK nor Mauritius have consented to disputes between them going to the ICJ. The General Assembly is being used as a back door route to the Court. This is not the purpose of the ICJ's advisory jurisdiction, and risks compromising the ICJ's effectiveness. It would be a dangerous precedent that risks many other bilateral disputes being brought to the General Assembly and to the ICJ via that route, without the consent of one of the parties. The consequences are not limited to the UK and Mauritius; this will affect all States as regards their own bilateral disputes.

It is disappointing that Mauritius has rejected bilateral talks, and our offers, so swiftly. It is even more concerning that it is asking the General Assembly to engage the ICJ's advisory jurisdiction in a bilateral dispute. This is not a multilateral matter.

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Agenda item 4
Human rights situations that require the Council's attention

Letter dated 5 July 2017 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I have the honour to transmit herewith for your kind consideration information on the current situation of the armed conflict between Armenia and Azerbaijan, including some details of another military provocation by the Armenian armed forces on 4 July 2017, which resulted in victims among the civilian population of Azerbaijan (see annex).

I would be highly appreciative if you could kindly circulate the present letter and the annex thereto* as a document of the thirty-sixth session of the Human Rights Council.

(Signed) Vaqif **Sadiqov**

Ambassador, Permanent Representative

* Reproduced as received, in the language of submission only.

GE.17-12210(E)

Please recycle

Annex to the letter dated 5 July 2017 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the President of the Human Rights Council

Information on the current situation in the armed conflict between Armenia and Azerbaijan

According to the reports by the Ministry of Defence of the Republic of Azerbaijan, on 4 July 2017 the armed forces of the Republic of Armenia carried out another large-scale provocation against Azerbaijan. The Armenian armed forces deliberately attacked civilians and civilian targets in Alkhanli village of the Fizuli region of Azerbaijan, using 82 and 120 millimetre mortars and heavy grenade launchers. As a result of this targeted attacks, Mrs. Sahiba Guliyeva (born in 1967) and her 2 years old granddaughter Zahra Guliyeva were killed. Another civilian Mrs. Sarvinaz Guliyeva (born in 1965) was wounded and has been taken to the military hospital.

Armenia has been conducting systematic, deliberate and targeted attacks on civilian population of Azerbaijan encompassing, inter alia, women, children and elderly residing in the densely populated areas adjacent to the frontline.

Armenia's attacks against the Azerbaijani civilian population and civilian targets, constitute a serious violation of international humanitarian and human rights law, in particular the 1949 Geneva Conventions and Additional Protocol I thereto, the Convention on the Rights of the Child and the Convention for the Protection of Human Rights and Fundamental Freedoms.

The unlawful presence of the armed forces of Armenia in the occupied territories of Azerbaijan is the primary reason of the continued tensions and ongoing incidents along the frontline and major impediment to the resolution of the conflict between Armenia and Azerbaijan.

After the visit of the OSCE Minsk Group Co-Chairs to the region in June 2017, the Co-Chairs called for changing the status quo in the conflict by launching substantive and serious negotiations. However, Armenian side responded to these calls by brutal killings of the civilians. By escalating the situation in a deliberate manner Armenia pursues the goal of undermining the resolution of the conflict via substantive negotiations and maintaining the status quo of the occupation.

This situation once again demonstrates the urgent necessity that the Co-Chairs and the international organizations demand Armenia to withdraw its troops from the occupied territories of Azerbaijan in accordance with the norms and principles of international law and relevant decisions and resolutions of the international organizations. The fundamental basis for the settlement of the conflict is laid down in the United Nations Security Council resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993) and the United Nations General Assembly resolution 62/243 (2008), which condemn the use of force against Azerbaijan and occupation of its territories by Armenia and reaffirm the sovereignty and territorial integrity of Azerbaijan and the inviolability of its internationally recognized borders. In those resolutions, the United Nations reaffirmed that the Nagorno-Karabakh region is an inalienable part of Azerbaijan and demanded immediate, complete and unconditional withdrawal of the occupying forces from all occupied territories of Azerbaijan.

Azerbaijan calls the international community to demand Armenia to cease the illegal occupation of Azerbaijan's territories, to withdraw its troops from all occupied lands and to engage constructively in the conflict settlement process.

The responsibility for the current situation and its possible deterioration completely falls on the political-military leadership of Armenia.

United Nations A/HRC/36/G/6

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Universal periodic review

Letter dated 12 July 2017 from the Permanent Representative of Mauritius to the United Nations Office at Geneva addressed to the President of the Human Rights Council

The Permanent Mission of the Republic of Mauritius to the United Nations Office and other international organizations in Geneva presents its compliments to the secretariat of the Human Rights Council, and has the honour to transmit herewith the comments of the Government of the Republic of Mauritius in relation to the paper circulated on 21 June 2017 by the Government of the United Kingdom of Great Britain and Northern Ireland following the universal periodic review of the United Kingdom on 4 May 2017 (see annex), and to request that the present letter and the annex thereto* be circulated as a document of the Human Rights Council.

(*Signed*) Israhyananda **Dhalladoo**

Ambassador, Permanent Representative

* Reproduced as received, in the language of submission only.

GE.17-12212(E)
1712212

Please recycle

Annex to the letter dated 12 July 2017 from the Permanent Representative of Mauritius to the United Nations Office at Geneva addressed to the President of the Human Rights Council

Comments of the Government of the Republic of Mauritius in relation to the paper circulated on 21 June 2017 by the Government of the United Kingdom of Great Britain and Northern Ireland following the universal periodic review of the United Kingdom on 4 May 2017

1. The United Kingdom has consistently refused, at each and every bilateral meeting with the Republic of Mauritius, including the informal meeting of 19 June 2017 in New York, to engage in discussions on the completion of decolonization of the Republic of Mauritius despite the clear understanding reached in September 2016 in New York between the then Mauritian Prime Minister and the British Foreign Secretary Boris Johnson; instead, the United Kingdom has proposed bilateral talks on subjects totally unrelated to the subject matter of the draft United Nations General Assembly resolution and has thereby continuously frustrated the good faith engagement of the Republic of Mauritius in bilateral talks meant to discuss decolonization and the effective exercise of the Republic of Mauritius' sovereignty over the Chagos Archipelago.

2. The United Kingdom misleadingly attempted to dissuade UN Member States from voting for the draft resolution by raising the alarm that damage would be caused to both the United Kingdom and the Republic of Mauritius and to the International Court of Justice (ICJ) if the General Assembly initiative is pursued. The Republic of Mauritius wishes to clarify that the draft General Assembly resolution was presented by the Republic of the Congo on behalf of the States Members of the United Nations that are members of the Group of African States. The draft resolution which was adopted by the United Nations General Assembly on 22 June 2017 concerns a request for guidance from the ICJ to the General Assembly on an important matter of decolonization. Bilateral talks seeking to address this matter are not a basis for denying multilateral interest in this matter and bilateral talks that focus on matters irrelevant to decolonization are pointless. During meetings with the Republic of Mauritius, including on 19 June 2017, the United Kingdom has carefully avoided to discuss decolonization by making proposals completely irrelevant to that subject.

3. The United Kingdom takes a narrow view of the UNCLOS Tribunal Award. The Award clearly states that the United Kingdom has a legally binding obligation to return the Chagos Archipelago to the Republic of Mauritius when no longer needed for defence purposes. But, in any event, the draft General Assembly resolution which focuses on decolonization is completely unrelated to the UNCLOS Award and relates to breaches of the United Nations Charter and of fundamental principles of international law. Nonetheless, it is not without significance that two of the members of the UNCLOS Arbitral Tribunal opined that the detachment of the Chagos Archipelago was in breach of the principle of self-determination. The three other members of the Arbitral Tribunal did not contradict these two members, but simply opined that they had no jurisdiction to rule on the legality of the detachment.

4. The Republic of Mauritius is of the view that bilateral talks on the implementation of the UNCLOS Award can take place independently of the outcome of the request for an Advisory Opinion, and is not opposed to the resumption of such talks at a later stage. Following the understanding of September 2016, facilitated by the President of the General Assembly, the Republic of Mauritius considered that since talks relating to decolonization

would have a direct bearing on issues arising from the Award, both sides needed to focus on the former issue.

5. The request to the ICJ for an Advisory Opinion does not pose any risk of a dangerous precedent being created by way of the advisory jurisdiction of the ICJ being abusively invoked, in future, to resolve bilateral disputes as the United Kingdom alleges in an attempt to frighten States. The facts underlying the request for an Advisory Opinion, namely the dismemberment of the territory of the Republic of Mauritius, contrary to international law and General Assembly Resolutions, prior to the granting of independence to the Republic of Mauritius by the United Kingdom, are unique. An Advisory Opinion to assist the General Assembly to complete its work on decolonization in the case of the Republic of Mauritius will not create any dangerous precedent. Decolonization is a matter of multilateral interest, not of a bilateral nature, as the United Kingdom alleges in the case of the dismemberment of the Republic of Mauritius.

United Nations A/HRC/36/G/7

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Agenda item 4
Human rights situations that require the Council's attention

Letter dated 11 August 2017 from the Chargé d'affaires of Azerbaijan to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I have the honour to recall the letter dated 5 July 2017 from Ambassador Vaqif Sadiqov addressed to Your Excellency (A/HRC/36/G/5) concerning the military provocation committed by the armed forces of Armenia on 4 July 2017, which resulted in casualties among civilian population of Azerbaijan, including the killing of a 2-year-old girl, Zahra Guliyeva.

In this regard, Azerbaijani schoolchildren studying in the villages adjacent to the contact line between the armed forces of Armenia and Azerbaijan have written messages to appeal to the international community to condemn the killing of innocent civilians, especially children, caused by the continued military provocations of Armenia. I enclose herewith the said messages for your kind attention (see annex).

Moreover, I would like to inform you that, despite the harsh international condemnation for targeting children and women, Armenia seems not to have taken it into account. On 7 August, Armenia carried out another barbarity that left 13-year-old Ramin Yusifov, resident of the Tovuz region of Azerbaijan, wounded.

I would be highly appreciative if you could kindly circulate the present letter and the annex thereto* as a document of the thirty-sixth session of the Human Rights Council under agenda item 4.

(*Signed*) Yalchin **Rafiyev**

Chargé d'affaires

* Reproduced as received, in the language of submission only.

GE.17-16184(E)

1716184

Please recycle

Annex to the letter dated 11 August 2017 from the Chargé d'affaires of Azerbaijan to the United Nations Office at Geneva addressed to the President of the Human Rights Council

Children's messages

I don't like to hear sounds of shooting. I am afraid while I am going to school because the Armenians shooting. Let not any people be killed. We want to return to our old motherland.

Konul, 12 years old

I live in Fuzuli district. I want Armenians to go away from our land. I wish peace. I want live and go to school in safe conditions. Let be peace always. I want to see Shusha, where I haven't even been and travel all over Fuzuli.

Laman, 12 years old

Hi, I don't want war! The Armenians are shooting and we can't go to school. We wish peace! The Armenians occupied our territory. Our soldiers will return our territory. The Armenians killed a child and her granny last day. Our soldier will defend from them. I am proud of our soldiers, they protect us always.

Shahana, 10 years old

My name is Rafiga. I study in 9th class. I live in Zobucuq village for refugees from occupied villages of Fuzuli. We hear sounds of shooting every day. We don't want anybody's death. Let Allah not to show us any children's death. We want peace, not war. On 4th July the woman and her granddaughter were killed by Armenians. They were innocent. We know our soldiers protect us. We want live in our motherland!

Rafiga, 11 years old

Hi, I live in Zobucug village of Fuzuli district. My name is Alamdar. I study in 9 class at school number 39. Armenians are shooting very often. On 4th July 2 people were killed in Alixanli village of Fuzuli district and 1 person was seriously injured. We are afraid. We wish peace always. Let be peace Not war!

Alamdar, 14 years old.

I live in Zobucug village of Fuzuli district. I want peace in our homeland. I want back our occupied territory. The Armenians don't let us live here peacefully. In Alixanli village of Fuzuli district, 2 years old Zahra Guliyeva and her grandmother Sahiba Guliyeva were killed. I wish peace. I want to be soldier when I grow up to protect my people.

Allahvardi, 11 years old

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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Note verbale dated 22 August 2017 from the Permanent Mission of the United States of America to the United Nations and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of the United States of America to the United Nations and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and has the honour to transmit the response of the Government of the United States of America on the country mission report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights (A/HRC/36/44/Add.1) (see annex). The Permanent Mission requests the secretariat of the Human Rights Council to circulate the present note verbale and the annex thereto* as a document of the thirty-sixth session of the Council under agenda item 3.

* Reproduced as received, in the language of submission only.

GE.17-16185(E)
1716185

Please recycle

Annex to the note verbale dated 22 August 2017 from the Permanent Mission of the United States of America to the United Nations and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

Response of the Government of the United States of America to the report of the Special Rapporteur on the impact of unilateral coercive measures on the enjoyment of human rights on his visit to the Russian Federation

The United States wishes to provide this addendum for the record regarding sanctions imposed by the United States, the European Union, and a broad coalition of countries on Russia since 2014 in response to its aggression in Ukraine. The pressure of our sanctions has helped deter further Russian aggression and supports the Minsk framework for resolving the conflict in eastern Ukraine. The United States, the EU, and a broad coalition of countries have publicly and repeatedly stated that there will be no sanctions relief on Russia until it meets its commitments under the Minsk agreements, while also maintaining that our Crimea sanctions will remain until Russia ends its occupation and attempted annexation of Crimea and returns control of the peninsula to Ukraine.

The UN General Assembly (UNGA), including through UNGA resolution 68/262, has affirmed its commitment to Ukraine's territorial integrity, denounced the illegitimate referendum held in Crimea, and called on States not to take any actions that would recognize any change to the status of Crimea as a part of Ukraine. As has been extensively documented by the Office of the High Commissioner on Human Rights (OHCHR) and other major international expert bodies, the parts of Ukrainian territory currently under the control of Russia-led forces have experienced an appalling deterioration in human rights conditions, which has included extrajudicial killings, enforced disappearances, and the systematic use of torture against detainees.

We urge you to review the reports of the UN's Human Rights Monitoring Mission in Ukraine, which have documented these abuses in great depth, as have experts of the Council of Europe and OSCE. Moreover, the UN General Assembly Resolution passed in December 2016 on the "Situation of human rights in the Autonomous Republic of Crimea and the City of Sevastopol (Ukraine)" expressed the international community's concern about "the reported serious violations and abuses committed against residents of Crimea, in particular extrajudicial killings, abductions, enforced disappearances, politically motivated prosecutions, discrimination, harassment, intimidation, violence, arbitrary detentions, torture and ill-treatment of detainees and their transfer from Crimea to the Russian Federation, as well as reported abuses of other fundamental freedoms, including the freedoms of expression, religion or belief and association and the right to peaceful assembly."

The United States also imposes sanctions on Russia under the Sergei Magnitsky Rule of Law Accountability Act of 2012, which provides authorities to sanction persons responsible for the detention, abuse, or death of Sergei Magnitsky; participated in efforts to conceal the legal liability for or financially benefited from his detention, abuse, or death; or were involved in the underlying criminal conspiracy he uncovered. It also provides authorities to sanction persons responsible for certain other gross violations of human rights in Russia. Under this authority, we have publicly listed and sanctioned 44 individuals,

many of whom play significant roles in the repressive machinery of Russia's law enforcement systems, as well as individuals involved in notorious human rights violations, such as the killings of whistleblower Alexander Litvinenko and journalist Paul Klebnikov.

This report from the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights completely ignores the impact of Russia's increasingly authoritarian restrictions on the human rights of the Russian people. In recent years, the Russian government has eliminated any opposition from the parliament; deeply eroded judicial independence; taken control of all television media and launched an unprecedented campaign to propagandize and manipulate private citizens and residents; subjected hundreds of dissenters to politically-motivated and unjustified prosecution; launched a crackdown on independent civil society; prevented political opposition candidates from appearing on the ballot, and targeted members of religious minorities and LGBTI persons for harassment and discrimination.

Lastly, the United States not only rejects the notion that these targeted sanctions violate human rights, but on the contrary believes that sanctions can be a powerful tool to promote human rights and hold accountable those who violate them. We reject the premise of the Human Rights Council's mandate on unilateral coercive measures, as detailed in our explanations of vote against the resolutions on this topic.